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March 8, 2006

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AND AGENCIES

Commissioner of Patents
U.S. Patent and Trademark Office
Customer Service Window, MS Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Re: Response to Restriction Requirement
Appl. No.: 10/817,431
Filed: April 5, 2004
Title: **Process for the Production of
L-Amino Acids Using Strains of the
Enterobacteriaceae Family**
Inventor(s): Rieping, *et al.*
Atty. Dkt.: 7909/84003

Dear Sir:

The following documents are being submitted for appropriate action by the U.S. Patent and Trademark Office:

1. Response to Restriction Requirement;
2. Amendment to Comply with Restriction Requirement; and
3. Return postcard.

Commissioner for Patents

March 8, 2006

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Applicants do not believe that any fees are due for the filing of these documents. However, the Director is hereby authorized to charge any fee deficiency with respect to this filing and any other fee required in connection with the present case, or credit any overpayment to our Deposit Account No. 06-1135 under Order No. 7909/84003.

It is respectfully requested that the enclosed postcard be stamped with the date the enclosed documents are received by the PTO and that it be returned as soon as possible.

Very truly yours,

FITCH, EVEN, TABIN & FLANNERY

A handwritten signature in black ink, reading "Michael A. Sanzo". The signature is written in a cursive style with a large, sweeping "M" and a long, horizontal stroke at the end.

Michael A. Sanzo

Reg. No. 36,912

Attorney for Applicants

MAS:ct

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Rieping, *et al.*

Appl. No.: 10/817,431

Filed: April 5, 2004

For: **Process for the Production of L-Amino Acids
Using Strains of the Enterobacteriaceae
Family**



Art Unit: 1652

Examiner: I. Chowdhury

Atty. Dkt.: 7909/84003

Response to Restriction Requirement

Commissioner of Patents
U.S. Patent and Trademark Office
Customer Service Window, **MS Amendment**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Office Action dated February 8, 2006, in which the Examiner imposed a restriction requirement on the claims in the above-captioned application, Applicants hereby elect the claims of restriction Group I. This includes claims 1-10, 11-12 and 14-16, directed to a process for producing L-amino acids using a microorganism in which the *yfiD* ORF and/or *pflB* gene are overexpressed. In addition, Applicants elect embodiments in which the *yfiD* gene is overexpressed. As a species, Applicants elect microorganisms in which the *thrABC* operon coding for aspartate kinase, homoserine dehydrogenase, homoserine kinase, and threonine synthase are enhanced. Claims reading on this particular species are 1-12 and 15-17. It is respectfully requested that the non-elected claims, *i.e.*, claims 13, 14 and 18-20, be cancelled without prejudice.

This election is made without traverse.

Applicants do not believe that any fees, other than those already provided for herewith, are required for the filing of the present document. Nevertheless, any fees that may

be needed may be charged to our Deposit Account No.06-1135 under Order No. 7909/84003.

If, in the opinion of the Examiner, a phone call would help to expedite the prosecution of this application, the Examiner is invited to call Applicants' undersigned attorney at (202) 419-7013.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: 

Michael A. Sanzo
Reg. No. 36,912
Attorney for Applicants

Date: March 8, 2006
1801 K St., NW, Suite 401L
Washington, DC 20006
(202) 419-7000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Rieping, *et al.*

Appl. No.: 10/817,431

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For: **Process for the Production of L-Amino Acids
Using Strains of the Enterobacteriaceae
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Art Unit: 1652

Examiner: I. Chowdhury

Atty. Dkt.: 7909/84003

Amendment to Comply with Restriction Requirement

Commissioner of Patents
U.S. Patent and Trademark Office
Customer Service Window, **MS Amendment**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In order that the claims presently pending in the application may be in compliance with the restriction requirement imposed by the Examiner in the Office Action mailed February 8, 2006, Applicants respectfully request that the following amendments be made.

Amendments to the Claims begin on page 2 of the present document.

Remarks begin on page 7 of the present document.